WP(C) 5701/2007
BEFORE
HON'BLE MR. JUSTICE B.P.KATAKEY

Heard Mr BD Goswami, learned counsel for the petitioner and Ms VL Sinha , learned State counsel appearing on behalf of the respondents.

The petitioner by the present writ petition has challenged the orders da ted 5.10.2007 and 9.10.2007 passed by the Sub- Divisional Magistrate, Rangia on the ground that the said orders were passed in violation of the provisions of th e Assam Excise Act, 1910 and the Rules framed thereunder.

It appears from the order dated 5.10.2007 passed by the Sub-Divisional M agistrate that pursuant to the show cause notice dated 20.8.2007, the petitioner had agreed to shift his shop to other appropriate location and had prayed for r easonable time for selection of a reasonable site for such shifting and, accordi ngly, 41 (forty one) days' time was allowed by the authority. Since such shiftin g was not done by the petitioner, the licence issued to him was kept under suspe nsion w.e.f. 10.10.2007. The Sub-Divisional Magistrate, Rangia, however, vide or der dated 9.10.2007, on the assurance given by the petitioner to shift the place of business within thirty days, kept the order dated 5.10.2007 in abeyance till 10.11.2007. Since the petitioner had earlier agreed to shift the place of his b usiness, he cannot now turn around and challenge the order passed by the compete nt authority.

The learned counsel for the petitioner has submitted that as the new pla ce of business could not be found out in the meantime, the petitioner may be all owed some more time to shift the place of his business from the existing place. The petitioner, for that purpose, has to approach the competent authority by fil ing necessary application. The competent authority on receipt of such applicatio n will consider the same and pass necessary order granting reasonable time as ma y be considered appropriate.

The writ petition is accordingly disposed of without interfering with th e impugned orders.